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**MAXYGEN**

GROUP 1600

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## FACSIMILE COVER SHEET

Date: April 22, 2002

Page(s): 19

Fax No: (703) 305-3014

To: Examiner Bradley L. Sisson – U.S. Patent and Trademark Office

From: Christopher M. Holman

In re application of:

Willem P. C. Stemmer *et al.*

Application No.: 09/437,726

Filed: November 9, 1999

For: MODIFIED RIBULOSE 1,5-  
BISPHOSPHATE  
CARBOXYLASE/OXYGENASE FOR  
IMPROVEMENT AND OPTIMIZATION  
OF PLANT PHENOTYPES

Examiner: Bradley L. Sisson

Art Unit: 1655

**AMENDMENT AFTER FINAL**

Please contact Diana Schaller at (650) 298-5864 if you have any problems receiving this transmission.

Please type a plus sign (+) inside this box → **+**Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
(Modified) PTO/SB/21 (6-98)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/437,726
		Filing Date	November 9, 1999
		First Named Inventor	Willem P.C. Stemmer
		Group Art Unit	1655
		Examiner Name	Bradley L. Sisson
Total Number of Pages in This Submission	19	Attorney Docket Number	02-292-2US/PCT

**ENCLOSURES (check all that apply)**


<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 50px; width: 100%;"></div>
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**Authorization to Charge Deposit Account**

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Christopher M. Holman, Reg. No. 40,021		
Signature			
Date	April 22, 2002		

**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington DC 20231 on this date: April 22, 2001

Typed or printed name	Victoria MacMillan		
Signature		Date	April 22, 2002

**CERTIFICATE OF FACSIMILE TRANSMITTAL  
UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is facsimile to:  
United States Patent and Trademark Office,  
On April 22, 2002

By:

*Victoria M. Hillan***FAX RECEIVED**

Attorney Docket No: -02-0292-

2US/PCT

APR 23 2002

Client Ref: 0122.310US

**GROUP 1600****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Willem P. C. Stemmer *et al.*

Application No.: 09/437,726

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For: **MODIFIED RIBULOSE 1,5-  
BISPHOSPHATE  
CARBOXYLASE/OXYGENASE FOR  
IMPROVEMENT AND OPTIMIZATION OF  
PLANT PHENOTYPES**

Examiner: Bradley L. Sisson

Art Unit: 1655

**AMENDMENT AFTER FINAL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Final Office Action dated December 28, 2001 Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. Applicants wish to thank the Examiner for useful insight and comments provided during a telephonic interview conducted with Applicants' representative Christopher Holman on March 6, 2002.

**AMENDMENT****In the Specification:**

Please amend the specification by replacing the title with the following:

**"Methods for Obtaining a Polynucleotide Encoding a Polypeptide Having Rubisco Activity."**

**In the Claims:**

Please amend the claims by substituting the following claims for the corresponding previously pending claims of the same numbers:

04/23/2002 TTABDI 1100000004 500893 09437726

DO NOT ENTER  
4/29/02  
B78.